Preserve
By 15/11/47

App. F. IX-4

1935.
(& M)

File No. 470-35
Serial Nos. 1-2

Previous References

Later References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for March 36

SUBJECT.

Extension of the scope of delegation of powers of retiring under Art 305 R.S. & Leave Code pretirements other than those on account of superannuation

821 No H 6739 & 11-3-36

To the Inspector

Issues over —

17/5

Serial No.	
1	Letter no 588 Pen Dt 21.1.1936 from the Comptroller requesting orders to extend the scope of delegation of powers of retiring under Art. 308 M.S.R to Cover Cases of retirement other than retirements on account of Superannuation. The delegation of powers under Art 308 MSR. Viz of declaring any nongazetted subordinate to be inefficient and compelling him to retire either at the age of 55 years or on the expiry of any further period up to which his Service has been extended ~~extension~~ ——— is with reference to Superannuation Pensions only and Cannot be exercised in respect of Compensation, Invalid and Retiring Pensions. The Cases of retirements under these latter class of pensions must come up to Government for approval. If the Heads of Departments have exercised the power in Cases of these Classes of retirements and the Audit office has accepted the retirements it is

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Powers of Heads of Departments to retire Subordinates

a mistake. In such cases since the retirements will generally be due to unusual causes and there will be scope for retiring without the required conditions fully being satisfied it seems desirable ~~to~~ that Government should be apprised of such retirements. It is for orders whether this view may be communicated to the Comptroller or whether the said power may be extended to cover all classes of retirements as suggested by the Comptroller.

Must

1 2 It is desirable to keep this power to Govt. and the Comptroller may perhaps be informed accordingly.

H Seey) 4/2/36

3 This is a doubt which the Comptroller himself has raised.

4 The power of (retaining in service or) retiring a superannuated officer is vested primarily with the Government and hence that power has been delegated to Heads of departments, with certain restrictions (Art 308 C.S.R.)

3000/31. Powers of Heads of Departments re. retirements of subordinates.

Serial No.

The position as regards voluntary retiring at the option of a party is however different. An officer who has attained the age of 55 or has rendered qualifying service of 30 years has the option to retire from service on a Superannuation pension or a retiring pension (vide articles 310 and 311 M.S.R.). The inherent power to order retirement in such cases does not vest with the Government and so no question of delegation of such power to subordinate officers arises. Similarly, in cases of retirement on Invalid pension, the medical certificate declaring an officer's physical ineligibility for further service makes the retirement compulsory and it does not depend on any option to be exercised by Government or the party. The question of delegation of powers to order retirement does not therefore arise in such cases also.

6 In these circumstances the Comptroller will be informed that the long-standing practice of Heads of Departments allowing retirements under Articles 289, 310 and 311 (retiring & invalid pensions), which has not given rise to any inconvenience so far, may be continued.

DEWAN'S OFFICE
2 MAR. 1936
No. 5389

Dewan

6

WD 03594—GPB—30,000—13-7-35

Re. Powers of Heads of departments in retiring Subordinates

5000/H.

File No. of 193 .

General and Revenue Secretariat

7

A draft letter to the Comptroller is put up for approval of the Fe: Secy—

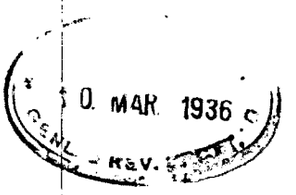
W
6/3

6.3.1936.

Form as revised

M
7/3

9.3.36.



No F. 6739 ~~SF~~ dt 11.3.36

W
4/3

S+A-470-35-1

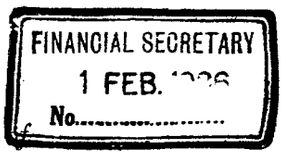
In reply please quote reference to No. 588 Pen

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

Bangalore, dated 21st January *193* 6.

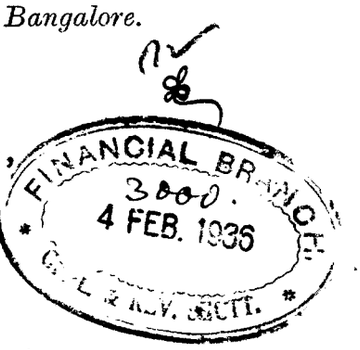
FROM

A. N. RAGHAVACHAR, ESQ., M.A.,
Comptroller to the Government of His Highness the Maharaja of Mysore,
Bangalore.



TO

S. Shamanna, Esq., B.A.,
Secretary to the Government of Mysore,
Financial Department, Bangalore.



SIR,

I have the honor to state that under Article 308, Mysore Service Regulations, the power of retiring officers who have reached the age of fifty five years or more has been delegated to Heads of Departments Deputy Commissioners and District Judges. This power has been exercise by them also to retire officers below fifty five years of age, who either seek voluntary retirement under Article 311 after completing thirty years of qualifying service, or are found incapacitated for service due to illness (Article 289). Though sanctions to retire officers who have not reached the age of superannuation under the special circumstances mentioned above have to be accorded by Governmen under the existing provisions of Mysore Service Regulations, they are in practice accorded by Heads of Departments and somehow have been admitted in audit.

2. As the procedure that is being followed in this respect has to be regularised, I request that sanction of Government may be kindly obtained to extend the scope of delegation of powers under Article 308 so as to comprise also cases of retiring subordinate officers who have not reached the age of superannuation but who are permitted to retire under Articles 311 and 289 Mysore Service Regulations. If, however, it is the intention of Government that the existing rules need no modification, action will be taken to insist upon sanction of Gover in such cases also.

I have the honor to be,
Sir,
Your most obedient servant,

A. N. Raghavachar

Comptroller.

MSR

Appendix F G—1]

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 11/3

Signed by M' Rae

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No. 2

No. 6739

To

The Comptroller

Sir

With reference to your letter no 588 Pen dy 21.1.1936 regarding ~~requesting Sanction of Government to extend the Scope of~~ in specific delegation of powers under Art. 308 M.S.R. so as to Comprise also cases of retiring subordinates Officers who have not reached the age of Superannuation but who are permitted to retire under Articles 311 and 289 M.S.R I am directed to State ~~as follows~~ :—

WD 03601—GPB—30,000—23-9-35

it is not necessary to provide for specific delegation in these cases, as retirement in these cases is not at the discretion of Govt but is more or less beyond their control.

The power of retiring a Superannuated Officer is vested primarily with the Government and hence the power has been delegated to Heads of Departments under ~~in~~ Article 308 of C.S.R. The position as regards Voluntary retiring at the option of a party is however different. An Officer who has attained the age of 55 or has rendered qualifying Service of 30 years has the option to retire from Service (Articles 310 and 311 CSR) The inherent power to order retirement in such cases does not vest with the Govt and so no question of delegation of such powers to Subordinate Officers arises. Similarly, in cases of retirement on Invalid pension, the medical certificate declaring an Officer's physical ineligibility for further Service makes the retirement Compulsory and it does not depend on any option to be exercised by Govt or the party The question of delegation of powers to order retirement does not therefore arise in such cases also.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Govt Consider that

2. In these Circumstances, no amendment to the rules in MSR is considered necessary and the long standing practice of Heads of Departments allowing retirements under Articles 289, (310) and 311, which has not given rise to any inconvenience so far, may be continued

I have etc.

7.3.36.

Financial Secretary

6.3.36.

Govt. Art 310 viz Optional retirement at 55 is not mentioned in the Comptroller's letter. It's inclusion in the draft which would only suggest that retirements under that Article also may be permitted by Heads of Departments, is for approval.

6.3.36.

WD 0255—GPB—10,000—23-8-32

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 6739 *Bangalore, Dated,* 4/3/36

F.A. 47-35.

From

S. Shamanna, Esquire, B.A.,
Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

A.N. Raghavachar, Esquire, M.A.,
Comptroller to Government, Bangalore.

Sir,

With reference to your letter No. 588 Pen. dated the 21st January 1936 regarding the specific delegation of powers under Article 308, Mysore Service Regulations so as to comprise also cases of retiring subordinate officers who have not reached the age of superannuation but who are permitted to retire under Articles 311 and 289, Mysore Service Regulations I am directed to state that it is not necessary to provide in the rules for specific delegation in these cases, as retirement in these cases is not at the discretion of Government but is more or less beyond their control.

2. In these circumstances, Government consider that no amendment to the rules in Mysore Service Regulations is necessary and the long standing practice of Heads of Departments allowing retirements under Articles 289, (310) and 311, which has not given rise to any inconvenience so far, may be continued.

I have the honor to be,
S i r ,
Your most obedient servant,

for Secretary to Government,
Financial Department

P.H.

11.3.36.